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OFFICE OF THE GENERAL COUNSEL

M E M O R A N D U M

TO: Chief, Dockets Division

FROM: Associate General Counsel, Litigation Division

SUBJECT: The Bell Atlantic Telephone Companies v. FCC & USA, No. 93-1592. Filing of a new Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: September 16, 1993

Docket No(s). MM 92-266

File No(s).

This is to advise you that on September 2, 1993, The Bell Atlantic Telephone Companies, filed with the United States Court of Appeals for the District of Columbia Circuit a:

X Section 402(a) Petition for Review
-- Section 402(b) Notice of Appeal

of the following FCC decision: In the Matter of Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992, FCC 93-428, released August 27, 1993. Petitioner challenges the reconsideration order adopting FCC cable rate regulation rules.

Due to a change in the Communications Act, it will not be necessary to notify the parties of this filing.

The Court has docketed this case as No. 93-1592 and the attorney assigned to handle the litigation of this case is Laurence N. Bourne.


Daniel M. Armstrong

cc: General Counsel
Office of Public Affairs
Shepard's Citations

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CLERK OF THE UNITED
STATES COURT OF APPEALSIN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

THE BELL ATLANTIC TELEPHONE COMPANIES

Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION and
UNITED STATES OF AMERICA,

Respondents.

Case No. 93-1592PETITION FOR REVIEW

The Bell Atlantic telephone companies ("Bell Atlantic"),¹ ("Petitioners"), pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342, 2344 and Rule 15(a) of the Federal Rules of Appellate Procedure, hereby petition the Court for review of the First Order on Reconsideration ("Reconsideration Order"), Second Report and Order ("Order"), and Third Notice of Proposed Rulemaking, FCC 93-428, released August 27, 1993, of the Federal Communications Commission ("Commission") in Implementation of Sections of the Cable Television Consumer Protection and

¹ The Bell Atlantic telephone companies are The Bell Telephone Company of Pennsylvania, The Chesapeake and Potomac Telephone Company, The Chesapeake and Potomac Telephone Company of Maryland, The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of West Virginia, The Diamond State Telephone Company, and New Jersey Bell Telephone Company.

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To <i>Shirley Farmer</i>	From <i>Jayne Marie Lentie</i>
Co. <i>FCC</i>	Co. <i>Bell Atlantic</i>
Dept.	Phone # <i>202-392-1450</i>

Competition Act of 1992, Rate Regulation, MM Docket No. 92-266.

A copy of the Order is attached hereto. Venue is proper in this Court pursuant to 28 U.S.C. § 2343.

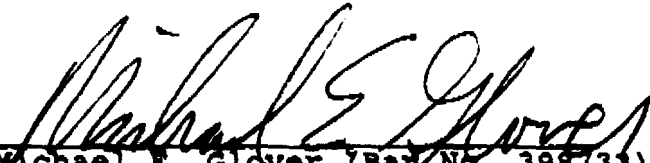
The Commission is charged by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460, with establishing rules to govern the regulation of cable rates. The Commission previously decided that the reasonableness of cable rates should be judged, in the first instance, by comparison to a benchmark that is based on the rates charged by cable systems that are subject to competition. In the present Order, the Commission decided to include in its calculation of a competitive benchmark the rates of cable systems that serve less than 30 percent of the homes in their service areas, without regard to whether these systems actually face competition. The Commission's decision is contrary to the Cable Act of 1992, and is arbitrary and capricious. Consequently, petitioners request that the Court vacate and set aside the Commission's Order.

In addition, the Reconsideration Order establishes rules governing the regulation of cable rates that are inconsistent with the Commission's rules governing the regulation of telephone companies. These rules arbitrarily discriminate between similarly situated competitors and, as a result, are arbitrary and capricious. Consequently, the petitioners also

request that the Court vacate and set aside the Commission's
Reconsideration Order.

Respectfully submitted,

Edward D. Young, III
John Thorne
Of Counsel


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Attorney for Petitioners

September 2, 1993

IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

THE BELL ATLANTIC TELEPHONE COMPANIES

Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION and
UNITED STATES OF AMERICA,

Respondents.

Case No. _____

DISCLOSURE OF INTERESTS

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, the Bell Atlantic telephone companies ("Petitioners")¹ respectfully submit this disclosure of interests.

Petitioners are wholly owned subsidiaries of Bell Atlantic Corporation, a publicly held corporation, which owns the following subsidiaries having securities in the hands of the public:

The Bell Telephone Company of Pennsylvania

The Chesapeake and Potomac Telephone Company

The Chesapeake and Potomac Telephone Company
of Maryland

The Chesapeake and Potomac Telephone Company
of Virginia

¹ The Bell Atlantic telephone companies are The Bell Telephone Company of Pennsylvania, the four Chesapeake and Potomac Telephone Companies, The Diamond State Telephone Company, and New Jersey Bell Telephone Company.

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The Chesapeake and Potomac Telephone Company
of West Virginia

The Diamond State Telephone Company

New Jersey Bell Telephone Company

Bell Atlantic Systems Leasing International, Inc.

Bell Atlantic Tricon Leasing Corp.

Bell Atlantic Financial Services, Inc.

Bell Atlantic Mobile Systems, Inc.


Bell Atlantic Network Funding Corp.

Bell Atlantic Capital Funding Corp.

In addition Bell Atlantic owns 30% of Telecom Corp. of
New Zealand Ltd., whose stock is traded publicly in
the U.S.

Respectfully submitted,

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September 2, 1993